



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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Paper No. 10

In re Application of
Jay S. Walker *et al*
Application No. 09/716,918
Filed: November 20, 2000
Attorney Docket No. 98-010-C1

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: DECISION ON PETITION
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The petition filed on February 10, 2003 requesting that this application be revived pursuant to 37 CFR 1.137(a) has been referred by the Office of Petitions to the undersigned consideration as a petition under 37 CFR 1.181 to withdraw the holding that this application stands abandoned for failure to file a reply to the Office letter dated May 3, 2002. No fee is required, and none has been charged.

The petition is granted.

Petitioners allege that this application was improperly held to have become abandoned because the failure to reply to the Office letter in question was due to the fact that petitioners did not receive that Office letter. In support of the allegation of nonreceipt of Office correspondence, petitioners have included a showing in accordance with the Notice entitled "Withdrawing the Holding of Abandonment When Office Actions are Not Received", 1156 O.G. 53, (November 16, 1993). The showing has been reviewed and is deemed to satisfy the requirements established in that Notice, and as discussed at MPEP 711.03(c). It therefore appears that this application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Patent Examining Group 3710 for re-mailing a complete copy of the Office letter dated May 3, 2002, together with all attachments thereto including references. The period for reply to the re-mailed Office action will run THREE MONTHS from the date upon which the action is re-mailed, and can be extended up to the statutory maximum of six months under the provisions of 37 CFR 1.136(a).

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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